

## **CHAPTER 20.03**

### **DEFINITIONS**

#### **Sections:**

20.03.010	Purpose and Applicability
20.03.020	Rules for Construction of Language
20.03.030	Definitions

#### **20.03.010 Purpose and Applicability**

This chapter ensures precision in interpretation of the zoning regulations. The meaning and construction of words and phrases defined in this chapter shall apply throughout this code, except where the context clearly indicates a different meaning or construction.

#### **20.03.020 Rules for Construction of Language**

In addition to the General Provisions of the Municipal Code, the following rules of construction shall apply:

- A. The particular shall control the general.
- B. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
  - 1. "And" indicates that all connected words or provisions shall apply.
  - 2. "Or" indicates that the connected words or provisions may apply singly or in any combination.
  - 3. "Either...or" indicates that the connected words or provisions shall apply singly but not in combination.
- C. In case of conflict between the text and a diagram, the text shall control.
- D. All references to departments, commissions, boards, or other public agencies are to those of the City of Newport Beach, unless otherwise indicated.
- E. All references to public officials are to those of the City of Newport Beach, and include designated deputies of such officials, unless otherwise indicated.

- F. All references to days are to calendar days unless otherwise indicated, if a deadline falls on a weekend or holiday, it shall be extended to the next working day.
- G. Chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of any section hereof.
- H. The present tense includes the future, and the future the present.
- I. The singular number includes the plural, and the plural the singular.
- J. References in the masculine and feminine genders are interchangeable.
- K. The words "activities" and "facilities" include any part thereof.

### **20.03.030 Definitions**

Abutting or adjoining: Having district boundaries or lot lines in common.

Abandoned: To cease or suspend from developing or maintaining a building or use for a stated period of time.

Access: Safe, adequate, and usable ingress or egress to a property or use.

Acre, Gross: A measure of land area. For purposes of calculating residential density or intensity of development, a "gross acre" shall exclude existing, dedicated rights-of-way.

Alley: A public or private way permanently reserved primarily for vehicular service access to the rear or side of properties which otherwise abut on a street. An alley shall not be considered a street.

Alteration: Any change, addition, or modification in construction or occupancy of an existing structure.

Alteration, Structural: Any change or replacement in the supporting members of a building such as bearing walls, columns, beams or girders.

Animal, Domestic: Small animals of the type generally accepted as pets, including dogs, cats, rabbits, hens, fish and the like, but not including roosters, ducks, geese, pea fowl, goats, sheep, hogs or the like.

Animal, Exotic: Any wild animal not customarily confined or cultivated by man for domestic or commercial purposes but kept as a pet or for display.

Animal, Large: An animal larger than the largest breed of dogs. This term includes horses, cows, and other mammals customarily kept in corrals or stables.

Animal, Small: An animal no larger than the largest breed of dogs. This term includes fish, birds, and mammals customarily kept in kennels.

Applicant: Owner(s) or lessee(s) of property, or person(s) who have contracted to purchase or lease property contingent upon their ability to acquire the necessary permits, applying for permits under this code, or the agent(s) of such persons. This term includes the successor(s) of such persons.

Area, Buildable: The area of a development site, excluding any basic minimum side, front and rear yard spaces, required for buildings three stories or less in height.

Area, Floor: (See Floor Area, Net and Floor Area, Gross).

Area, Lot, Parcel, or Site: The horizontal area within the property lines excluding public-access corridors, vehicular easements, and areas to be included in future street rights-of-way as established by easement, dedication, or ordinance.

Area, Net Public: The total area used to serve customers, including, but not limited to, customer sales and display areas, customer seating areas, service counters, and service queue and waiting areas, but excluding restrooms and offices, kitchens, storage and utility areas, and similar areas used by the employees of the establishment.

Awning: An ornamental roof-like cover attached to a building and projecting over a window, doorway, or pedestrian walkway.

Balcony: A platform that projects from the wall of a building, typically above the first level, and is surrounded by a rail balustrade or parapet.

Basement: That portion of a building between floor and ceiling, which is partly below and partly above grade as defined in this code, but so located that the vertical distance from the floor below is less than the vertical distance from grade to ceiling.

Bay Window: A window or series of windows that project outward from a wall of a building forming a bay or alcove in a room within. This definition includes bow, oriel and similar projecting windows (see also: Greenhouse Window).

Bedroom: An enclosed space in a structure that is designed such that it could be used for sleeping purposes and meets the room dimension requirements of the most recent edition of the Uniform Building Code, is not accessed directly from the garage, and has one or more windows.

Berm: A mound or embankment of earth.

Block: An area of land that is bounded on all sides by streets or by streets and a shoreline or by streets and a cul-de-sac or by any other form of termination of the street (i.e. dead-end not a cul-de-sac).

Blockface: The properties abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, unsubdivided land, water-course, or city boundary.

Building: Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, or property of any kind.

Building, Accessory: A subordinate building, the use of which is incidental to that of the main building on the same lot and/or development site.

Building, Main or Principal: A building in which is conducted the principal use of the lot and/or development site on which it is situated.

Building, Relocatable: A structure designed for human occupancy for industrial, commercial or professional purposes in such a manner as to be readily transportable from site to site.

Building Site: A parcel or contiguous parcels of land which constitute a site eligible for building development under the requirements of Titles 19 (*Subdivision Code*) and 20 (*Zoning Code*).

Building Bulk: The visual and physical mass of a building, calculated in accordance with Section 20.63.060.

Bulkhead: A retaining wall or similar structure constructed along a waterfront.

Bulkhead Line: A line established to define the bayward limit for solid-filling or solid structures.

California Environmental Quality Act (CEQA): California Public Resources Code, Section 2100 et seq.

Caliper: The thickness of trees as measured in inches, feet, etc. Trunk diameter for trees up to 4 inches shall be measured 6 inches above the soil line, and all trees over 4 inches in diameter will be measured 54 inches above the soil line.

Canopy: (See awning).

Carport: (See Parking Space, Covered).

Caretaker's Quarters: A dwelling unit on the site of a commercial, industrial, public or semi-public use, occupied by a guard or caretaker.

Change in Operational Characteristics: Any change in the operation of a use which conflicts with the precepts or conditions under which the use was initially permitted; or any factor presented in the individual chapters of this code, either explicitly or for purposes of illustration, as constituting a change in operational characteristics.

City: The City of Newport Beach.

Coastal Zone: A geographic zone adjacent to the shoreline, the boundaries of which are determined by the California Coastal Act of 1976, as amended.

Collection Buildings: Buildings with a gross floor area of 225 square feet or less used for the deposit and storage of household articles or recyclables donated to a nonprofit organization.

Conditionally Permitted: Permitted subject to approval of a use permit.

Condominium: A condominium project, community apartment project, or stock cooperative, as defined in Section 1351 of the California Civil Code.

Convenience Market: Retail sales of food, beverages and small convenience items primarily for off-premises consumption and typically found in establishments with long or late hours of operation and a relatively small building. This term excludes delicatessens and other specialty food shops and establishment having a sizeable assortment of fresh fruits and vegetables, and fresh cut meat or fish.

County: The County of Orange.

Court: An open space of prescribed dimensions opposite a required window of a habitable room in a multifamily dwelling that is unoccupied and unobstructed by structures from the ground upward and to the sky, except as otherwise provided in this code.

Coverage, Lot or Site: The percentage of a site covered by roofs, soffits, or overhangs and by decks more than 30 inches in height.

Daylight Plane: An inclined plane, beginning at a stated height above grade at a side or rear property line, and extending into the site at a stated upward angle to the horizontal, which may limit the height or horizontal extent of structures at any specific point on the site where the daylight plane is more restrictive than the height limit or the minimum yard applicable at such point on the site.

Deck: A platform, either free-standing or attached to a building, that is supported by pillars or posts (see also: Balcony).

Density: The number of dwelling units per gross acre, unless otherwise stated, for residential uses.

Distribution Line: An electric power line bringing power from a distribution substation to consumers.

District: A portion of the City within which the use of land and structures and the location, height, and bulk of structures are governed by this code.

Driveway: A designated passageway providing vehicular access between a street and a garage or carport, a designated parking area, or other driveway or street. A driveway shall not be considered a street.

Dwelling, Multi-Family: “Dwelling, multifamily” means a building containing three or more dwelling units, each of which is for occupancy by one family.

Dwelling, Single-Family: “Dwelling, single-family” means a building containing one dwelling unit for occupancy by one family.

Dwelling, Two-Family: “Dwelling, two family” means a building containing two dwelling units, each of which is for occupancy by a one family.

Dwelling Unit: Any area within a structure on any parcel which:

- A. Contains separate or independent living facilities for one or more persons, with area or equipment for sleeping, sanitation and food preparation, and which has independent exterior access to ground level; or
- B. Is being utilized for residential purposes by one or more persons separately or independently from occupants of other areas within the structure.

Dwelling Unit, Accessory: A residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and be located on the same parcel as a single-family dwelling is situated.

Easement: A grant of one or more property rights by the property owner for use by the public, a corporation, or another person or entity.

Entertainment, Live: Shall be defined as provided in Section 5.28.010 of the Municipal Code.

Environmental Impact Report (EIR): A detailed report describing and analyzing the potentially significant environmental effects of a project and discussing ways to mitigate or avoid the effects in compliance the requirements of the California Environmental Quality Act (CEQA) and its implementing guidelines.

Exemption, Categorical: An exception from the requirements of the California Environmental Quality Act (CEQA) for a class of projects, based on a finding by the California Secretary for Resources that the class of projects does not have a significant effect on the environment.

Facilities for Food Preparation. An area where food may be prepared which includes, but is not limited to, any two or more of the following items, either individually or in combination: heating appliances such as stoves, hot plates, microwave ovens, convection ovens and/or toaster ovens, refrigeration appliances, sinks including the plumbing thereto with running water whether with or without a disposal and may include a bathroom sink, cabinetry or shelving used for the storage of pots, pans, dishes, glasses, eating utensils and/or food items.

Fair Housing Laws: The Federal Fair Housing Act, the Americans with Disabilities Act, and California's Fair Employment and Housing Act, as each Act may be amended from time to time, and each Act's implementing regulations.

Family: One or more persons living together as a single housekeeping unit in a dwelling unit.

Floor, Finished: The surface of a floor after the final installation or application of floor coverings or other surfacing materials.

Floor Area, Gross: The total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls, and including halls, stairways, elevator shafts at each floor level, service and mechanical equipment rooms, and basement or attic areas having a height of more than 7 feet (see Chapter 20.63: Floor Area Ratios and Building Bulk and Chapter 20.66: Off-Street Parking and Loading for variations of this term for purposes determining floor area ratio and parking requirements).

Floor Area, Net: The area included within the surrounding walls of a building, exclusive of vent shafts, elevator shafts, stairways, exterior corridors or balconies, rooms containing only mechanical and electrical equipment used for service of the building, utility shafts and parking.

Floor Area, Net Public: (See Area, Net Public).

Floor Area Ratio (FAR): The gross floor area of a building or buildings on a lot divided by the lot area or site area.

Frontage: The side of a lot abutting a street.

Frontage, Reversed: A key lot or the first lot to the rear of a corner lot, the front lot line of which is a continuation of the side lot line of the corner lot and fronting on the street which intersects the street upon which the corner lot fronts and/or which faces the street upon which the side of a corner lot abuts.

Garage: (See Parking Space, Enclosed).

General Plan: The City of Newport Beach General Plan, as amended.

Grade, Existing: The surface of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project regulated by this code.

Grade, Finished: The surface of the ground or pavement at a stated location which exists after disturbance in preparation for a project regulated by this code.

Grade, Natural: The unaltered natural surface of the ground at a stated location.

Grade, Street: The top of the curb, or the top of the edge of the pavement or traveled way where no curb exists.

Greenhouse Window: A multi-sided window with glass roof panels projecting outward from a wall of a building (see also: Bay Window).

Habitable Space (Room): The space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space.

Hearing Officer: A hearing officer shall mean a person designated by the City Council to conduct hearings as set forth in Chapter 20.91A and Chapter 20.98. A hearing officer shall be selected in a manner that avoids the potential for pecuniary interest or other bias. The compensation, if any, of the hearing officer shall be paid by the City and shall not be conditioned on achieving a particular outcome.

Hedge: Any group of shrubs planted in line or in groups which forms a compact, dense, living barrier which protects, shields, separates or demarcates an area from view; any similar plant material, or similar plant material in conjunction with a structure, which is 80 percent opaque within 12 months after planting.

Height: A vertical dimension measured from existing grade, unless otherwise specified.

Home Occupation: An occupations conducted in a residential district that is incidental to the principal residential use of a lot or site.

Illumination, Direct: Illumination by means of light that travels from its source to the viewer's eye.

Illumination, Indirect: Illumination by means only of light cast upon an opaque surface from a concealed source.

Individual with a Disability: As more specifically defined under the fair housing laws, a person who has a physical or mental impairment that limits one or more major life activities, a person who is regarded as having that type of impairment, or a person who has a record of that type of impairment, not including current, illegal use of a controlled substance.

Integral Facilities: Any combination of two or more Residential Care (Small Licensed, Small Unlicensed, or General) facilities which may or may not be located on the same or contiguous parcels of land, that are under the control and management of the same owner, operator, management company or licensee or any affiliate of any of them, and are integrated components of one operation shall be referred to as Integral Facilities and shall be considered one facility for purposes of applying federal, state and local laws to its operation. Examples of such Integral Facilities include, but are not limited to, the provision of housing in one facility and recovery programming, treatment, meals, or any other service or services to program participants in another facility or facilities or by assigning staff or a consultant or consultants to provide services to the same program participants in more than one licensed or unlicensed facility.

Integral Uses: Any two or more licensed or unlicensed residential care programs commonly administered by the same owner, operator, management company or licensee, or any affiliate of any of them, in a manner in which participants in two or more care programs participate simultaneously in any



care or recovery activity or activities so commonly administered. Any such Integral Use shall be considered one use for purposes of applying federal, state and local laws to its operation.

**Kitchen:** Any room or portion of a room designed, intended or used for the cooking or preparation of food.

**Landscaping:** An area devoted to or developed and maintained with native or exotic plantings, lawn, ground cover, gardens, trees, shrubs, and other plant materials, decorative outdoor landscape elements, pools, fountains, water features, paved or decorated surfaces of rock, stone, brick, block, or similar material (excluding driveways, parking, loading, or storage areas), and sculptural elements. Plants on rooftops, porches or in boxes attached to buildings is not considered landscaping.

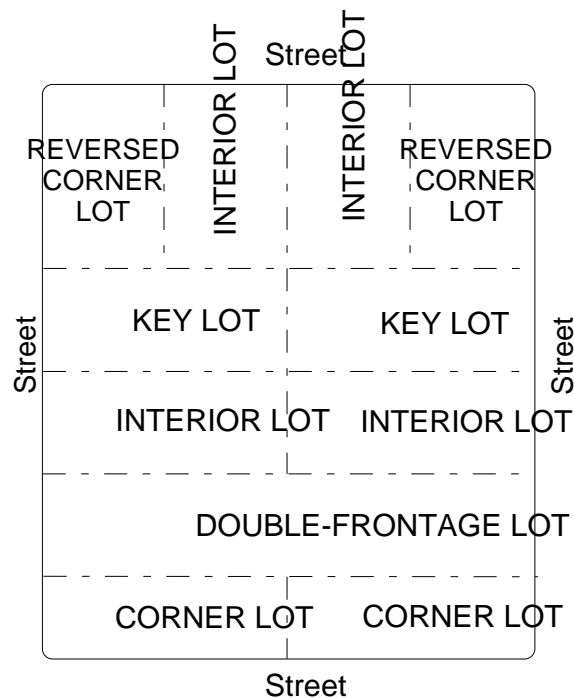
**Landscaping, Interior:** A landscaped area or areas within the shortest circumferential line defining the perimeter or exterior boundary of the parking or loading area, or similar paved area, excluding driveways or walkways providing access to the facility (as applied to parking and load facilities or to similar paved areas).

**Landscaping, Perimeter:** A landscaped area adjoining and outside the shortest circumferential line defining the perimeter or exterior boundary of the parking or loading area, or similar paved area, excluding driveways or walkways providing access to the facility (as applied to parking and load facilities or to similar paved areas).

**Lead Agency:** The public agency which has the principal responsibility for carrying out or approving the project.

**Lot:** An area of land under one ownership which is identified as a lot or parcel on a recorded final map, parcel map, record of survey recorded pursuant to an approved division of land, certificate of compliance, or lot line adjustment. The terms “lot” and “parcel” are interchangeable for purposes of this Code.

**Lot, Corner:** A site bounded by two or more adjacent street lines that have an angle of intersection of not more than 135 degrees. The front yard of a corner lot shall adjoin the shortest street property line, provided that where street property lines are substantially the same length, the Planning Director shall determine the location of the front yard.



Lot Depth: The horizontal distance for the midpoint of the front-lot line to the midpoint of the rear-lot line, or to the rear most point of the lot where there is no rear-lot line.

Lot, Double-Frontage: An interior lot having frontage on more than one street or a corner lot having frontage on more than two streets. Each street frontage of an interior lot and the two shortest street frontages of a corner lot shall be deemed a front lot line.

Lot, Key: A lot with a side lot line that abuts the rear lot line of one or more adjoining lots.

Lot, Reversed Corner: A corner lot, the rear of which abuts the side of another lot.

Lot or Property Line, Front: On an interior lot, a lot line separating the lot from the street. On a corner lot, the shortest lot line abutting a street, provided that where the two lot lines abutting a street are substantially the same length, the Planning Director shall determine the location of the front lot line.

Lot or Property Line, Rear: A lot line, not a front lot line, that is most parallel or approximately parallel to the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, the rearmost point of the lot shall be used for the purpose of measuring lot depth and a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, shall be deemed the rear lot line for the purpose of measuring the rear yard setback.

Lot or Property Line, Interior: A lot line not abutting a street or alley.

Lot or Property Line, Side: Any lot line that is not a front lot line or a rear lot line.

Lot or Property Line, Street: A lot line abutting a street.

Lot Width: The mean of the horizontal distance between the side lot lines measured at right angles to the lot depth at points 20 feet from the front lot line and 20 feet from the rear lot line, or from the rearmost point of the lot depth in cases where there is no rear lot line.

Marquee: An roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building.

Mobile Home: A structure transportable on a street or highway by authorization or a permit in one or more sections designed and equipped for human habitation to be used with or without a foundation system. Mobile home includes manufactured homes but does not include recreational vehicles, commercial coaches, or factory-built housing.

Mobile Home Park: Any area of land used primarily for the placing, parking or storage of two or more mobile homes for housekeeping, sleeping or living quarters.

Mobile Home Space: Any area, tract of land, site, lot, pad or portion of a mobile home park designated or used for the occupancy of one mobile home.

Municipal Code: The Municipal Code of the City of Newport Beach, as amended.

NAVD 88: (See North American Vertical Datum of 1988).

Negative Declaration: A written statement by the Lead Agency describing the reasons that a proposed project will not have a significant effect on the environment and does not require the preparation of an Environmental Impact Report (EIR).

Nonconforming Sign: A sign, outdoor advertising structure, or display of any character that was lawfully erected or displayed, but which does not conform with standards for location, size or illumination for the district in which it is located by reason of adoption or amendment of this code, or by reason of annexation of territory to the City.

Nonconforming Structure: A structure that was lawfully erected, but which does not conform with the property development regulations prescribed in the regulations for the district in which the structure is located by reason of adoption or amendment of this code or by reason of annexation of territory to the City. A structure shall not be considered to have been "lawfully erected" and is an illegal structure if, at the time of construction or modification, it was constructed or modified without required permits, including but not limited to permits required by any federal, state, or local government agency.

Nonconforming Use: A use of a structure or land that was lawfully established and maintained, but which does not conform with the use regulations or required conditions for the district in which it is located by reason of adoption or amendment of this code or by reason of annexation of territory to the City. A nonconforming use includes a use that was lawfully established and maintained but is conditionally permitted in the district and has not obtained a use permit. A use shall not be considered to have been "lawfully established and maintained" if it was established without required permits or licenses or has been operated at any time without required permits or licenses. The required permits and licenses include, but are not limited to, those required by any federal, state, or local government.

North American Vertical Datum of 1988 (NAVD 88): A fixed reference for elevations determined by geodetic leveling created by the National Geodetic Survey.

Off-Street Loading Facilities: A site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

Off-Street Parking Facilities: A site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives, and landscaped areas.

Open Space, Private: A usable open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

Open Space, Common: An open space within a residential development reserved for the exclusive use of residents of the development and their guests.

Open Space, Total: The sum of private open space and shared open space.

Open Space, Usable: Outdoor or unenclosed area on the ground, or on a roof, balcony, deck, porch or terrace designed and accessible for outdoor living, recreation, pedestrian access or landscaping, but excluding parking facilities, driveways, utility or service areas, or any required front or street side yard, and excluding any space with a dimension of less than 6 feet in any direction.

Opposite: Walls, windows, signs, districts, or property lines shall be deemed opposite if a line perpendicular to a vertical plane through one element and having its widest horizontal dimension would intersect a similar vertical plane through another element.

Outdoor Living Area: (See Open Space, Usable).

Owner: Any person, copartnership, association, corporation or fiduciary having legal or equitable title or any interest in any real property.

Parcel: (See Lot).

Parking Space: An unobstructed space or area other than a street or alley that is permanently reserved, maintained, and accessible for the parking of 1 motor vehicle.

Parking Space, Covered: A building or portion of a building, open or enclosed by walls or doors on not more than two sides, that is designed or used to shelter a parking space.

Parking Space, Enclosed: A building or portion of a building, completely enclosed by walls or doors on three or more sides, that is designed or used to shelter a parking space.

Parking Space, Tandem: A parking space within a group of 2 or more parking spaces arranged one behind the other.

Patio Cover: A solid or open roof structure not exceeding 12 feet in height and covering a patio, platform, or deck area. Patio covers may be detached or attached to another structure. Patio covers may be enclosed and used for recreational and outdoor living purposes, does not include structures used as carports, garages, storage rooms, or habitable rooms.

Permitted: Permitted without a requirement for approval of a use permit.

Person: Any individual, firm, partnership, association, corporation, company or organization of any kind, including public agencies.

Pier: Any fixed or floating structure for securing vessels, loading or unloading persons or property, or providing access to the water, including wharfs, docks, floats, or other landing facilities, and dry docks.

Pierhead Line: A line established to define the bayward limit for piers and float-type structures.

Planning Director: The Planning Director of the City of Newport Beach, or the Planning Director's designee.

Plot Plan: A plat of a lot, drawn to scale, showing the actual measurements, the size and location of any existing structures or structures to be erected, the location of the lot in relation to abutting streets, and other such information.

Porch: A covered platform, usually having a separate roof, at an entrance to a dwelling, or an open or enclosed gallery or room, which is not heated or cooled, that is attached to the outside of a building.

Preexisting: In existence prior to the effective date of this code.

Prepackaged Food: Any processed food prepackaged to prevent any direct human contact with the food product upon distribution from the manufacturer.

Project: Any proposal for new or changed use, or for new construction, alterations, or enlargement of any structure, that is subject to the provisions of this code.

Proscenium, Garage: The structural frame of a garage door.

Queue Space: A temporary waiting area for motor vehicles obtaining a service or other activity.

Readily Transportable: Easily movable from one location to another without the use of professional and housemoving equipment, i.e., in order to move the building to the site all that is necessary is to add temporary "trailer type" wheels directly to the frame of the building or to carry it on a typical motor vehicle.

Ready-To-Eat Food: Food that is in a form that is edible without additional washing, cooking, or preparation by the food facility or the consumer and that is reasonably expected to be consumed in that form.

Recreational Vehicle (RV): A vehicle towed or self-propelled and designed or used for recreational or sporting purposes. This term includes, but is not limited to, travel trailers, pick-up campers, camper shells, camping trailers, motor coach homes, converted trucks or buses, boats and boat trailers, and all terrain vehicles.

Renovation: The interior or exterior remodeling of a structure, other than ordinary repair.

Room, Habitable: A room meeting the requirements of the Housing Code (Chapter 15.03 of the Municipal Code) for sleeping, living, cooking, or dining purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms, garages, and similar spaces.

Screen: A device or materials used to conceal or obscure one element of a development from other elements or from adjacent or contiguous development or rights-of-way. Screening may consist of fences, walls, berms, or plantings.

Service Station Fueling Space: A temporary parking space immediately adjacent to a fuel dispensing unit.

Setback Line: A line within a lot parallel to a corresponding lot line, which is the boundary of any specified front, side or rear yard, or the boundary of any public right-of-way whether acquired in fee, easement or otherwise, or a line otherwise established to govern the location of buildings, structures or uses. Where no minimum front, side or rear yards are specified, the setback line shall be coterminous with the corresponding lot line.

Shade: (See awning).

Shopping Center: A grouping of retail business and service uses on a single site with common parking facilities.

Single Housekeeping Unit: The functional equivalent of a traditional family, whose members are an interactive group of persons jointly occupying a single dwelling unit, including the joint use of and responsibility for common areas, and sharing household activities and responsibilities such as meals, chores, household maintenance, and expenses, and where, if the unit is rented, all adult residents have chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease with joint use and responsibility for the premises, and the makeup of the household occupying the unit is determined by the residents of the unit rather than the landlord or property manager.

Single Ownership: Holding record title, possession under a contract to purchase, or possession under a lease, by a person, firm corporation, or partnership, individually, jointly, in common, or in any other manner where the property is or will be under unitary or unified control.

Site: (See Building Site).

Slope: An inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

Solar Equipment: Any solar collector, skylight, or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, water heating, or for power generation.

Specific Plan: A plan for a defined area that is consistent with the General Plan and with the provisions of the California Government Code, Section 65450 et seq. (Specific Plans).

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level

directly above a basement, cellar or unused underfloor space is more than 6 feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement, cellar or unused underfloor space shall be considered as a story.

Street: A public or private vehicular right-of-way, including local streets, commuter streets, and arterial highways, but not including alleys, driveways, or off-road bikeways.

Structure: Anything constructed or erected, the use of which required location on the ground or attachment to something having location on the ground.

Structure, Accessory: Structures that are incidental to the principal structure on a site. This classification includes fences, walls, decks, landings, patios, platforms, porches and terraces and similar minor structures other than buildings (see Building, Accessory).

Submerged Area: An area which is below Mean Higher High Water.

Surface, Finished: The surface of a structure after the final installation or application of stucco, sliding, stone, brick, tile, shingles, or other surfacing or roofing materials.

Swimming Pools and Hot Tubs: Any confined body of water, located either above or below the existing finished grade of the site which exceeds 18 inches in depth and is designed, used, or intended to be used for swimming or bathing purposes.

Transmission Line: An electric power line bringing power to a receiving or distribution substation.

Tree: A plant having at least one well-defined stem or trunk and normally attaining a mature height of at least 15 feet, with an average mature spread of 15 feet, and having a trunk that shall be kept clear of leaves and branches at least 6 feet above grade at maturity.

Tree, Fifteen Gallon: A 15-gallon container tree shall be no less than 1-inch caliper and at least 6 feet in height above grade at the time of planting.

Tree, Mature: Any tree with a trunk with a diameter of 10 inches or more, measured 24 inches above existing grade.

Tree, Twenty-Four-Inch Box: A 24-inch box tree shall be no less than 1.75-inch caliper and at least 7 feet in height above grade at the time of planting.

Unit: The particular area of land or airspace that is designed, intended or used for exclusive possession or control of individual owners or occupier.

Use: The purpose for which land or premises of a building thereon is designed, arranged, or intended or for which it is or may be occupied or maintained.

Use, Principal: The primary or predominant use of any lot, building, or structure.

Use, Accessory: A use that is appropriate, subordinate, and customarily incidental to the main use of the site and which is located on the same site as the main use.

Use, Ancillary: A use that is clearly incidental to and customarily found in connection with the principal use; is subordinate to and serves the principal use; is subordinate in area, extent, or purpose to the principal use served; contributes to the comfort convenience, or necessity of the operation, employees, or customers of the principal use served. An ancillary use may be located on a property separate from the principal use.

Used: This term includes the following meanings: arranged, designed, constructed, altered, rented, leased, sold, occupied, and intended to be occupied.

Vending Machine: Any unattended self-service device which, upon insertion of a coin, coins, or token, or by similar means, dispenses anything of value including any food, beverage, goods, wares, merchandise or services.

Visible: Likely to be noticed by a person of average height walking on a street or sidewalk.

Watercraft. A type of recreational vehicle designed to be used for water-related activities, including but not limited to sail boats, powerboats, canoes, kayaks and other personal watercraft.

Window, Required: An exterior opening in a habitable room meeting the area requirements of the Housing Code (Chapter 15.03 of the Municipal Code).

Written Notice: A notice in writing, deposited in the United States mail, postage prepaid, addressed to the last known address of the designated addressee.

Yard: An open space on the same site as a structure, unoccupied and unobstructed by structures from the ground upward except as otherwise provided in this code, including a front yard, side yard, or rear yard.

Yard, Front: A yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the front property line and a line parallel thereto on the site.

Yard, Rear: A yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the rear property line and a line parallel thereto on the site, except that on a corner lot the rear yard shall extend only to the side yard abutting the street.

Yard, Side: A yard extending from the rear line of the required front yard, or the front property line of the site where no front yard is required, to the front line of the required rear yard, or the rear property line of the site where no rear yard is required, the width of which is the horizontal distance between the side property line and a line parallel thereto on the site, except that the side yard on the street side of a corner lot shall extend to the rear lot line.



Zoning Code: Title 20 of the City of Newport Beach Municipal Code, as amended.